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3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5

6 John Bonilla as Chairman
and Ken Walters, et al.
7 Plaintiff,

No. C 05 3259 CW

8 v.

9 K.B H Backhoe Service
Inc dba H S H Backhoe Inc.,
10 et al. Defendant.

STIPULATION AND ~~PROPOSED~~
ORDER SELECTING ADR PROCESS

ADR CERTIFICATION

11

12 The parties stipulate to participate in the following ADR process:

13 Court Processes:

14 Arbitration ENE Mediation

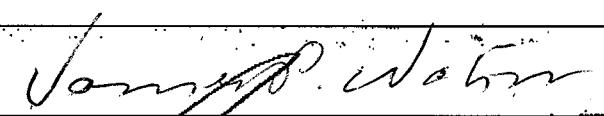
15 (To provide additional information regarding timing of session, preferred subject matter expertise of
neutral, or other issues, please attach a separate sheet.)

17 Private Process:

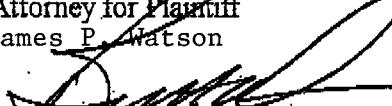
18 Private ADR (please identify process and provider)

19

21 Dated: November 18, 2005


22 Attorney for Plaintiff
James P. Watson

23 Dated: Nov. 17, 2005


24 Attorney for Defendant
Brett L. Dickerson

25 IT IS SO ORDERED:

26

Dated: 11/22/05

/s/ CLAUDIA WILKEN

27

UNITED STATES DISTRICT JUDGE

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1 SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL
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3 Pursuant to Civ. L.R. 16 and ADR L.R. 3-5(b), each of the undersigned certifies that he
4 or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern
5 District of California," or the specified portions of the ADR Unit's Internet site
6 <www.adr.caand.uscourts.gov>, discussed the available dispute resolution options provided by
7 the court and private entities, and considered whether this case might benefit from any of
8 them.

9 (Note: This Certification must be signed by each party and its counsel.)

10 Dated: November 18, 2005

John Bonilla, et al.

11 [Typed name and signature of plaintiff]
12 John Bonilla, et al.

13 Dated: November 18, 2005

James P. Watson

14 [Typed name and signature of counsel for plaintiff]
15 James P. Watson

16 Dated: Nov. 17, 2005

Wayne Humphrey

17 [Typed name and signature of defendant]
18 Wayne Humphrey

19 Dated: Nov. 17, 2005

Brett L. Dickerson

20 [Typed name and signature of counsel for defendant]
21 Brett L. Dickerson

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PROOF OF SERVICE

CASE NAME: *John Bonilla; et al. v. K D H Backhoe Service Inc.; et al.*
CASE NUMBER: *United States District Court, Northern District of California*
No. C-05-3259 CW

I am a citizen of the United States and a resident of the State of California. I am over the age of 18 and not a party to the within action. My business address is 101 New Montgomery Street, Fifth Floor, San Francisco, California 94105.

On November 18, 2005, I served the following document(s) described as:

**STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS/
ADR CERTIFICATION**

on the following party/parties:

Brett Dickerson, Esq.
GIANELLI & FORES
A Professional Law Corporation
1014 – 16th Street
P.O. Box 3212
Modesto, CA 95353
Telephone: (209) 521-6260
Facsimile: (209) 521-5971

(BY MAIL) with postage thereon fully prepaid in the designated area for outgoing mail. I am readily familiar with STANTON, KAY & WATSON's practice of collection and processing correspondence whereby mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited with the United States Postal Service after the close of each day's business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

(BY PERSONAL SERVICE)

By personally delivering copies to the person served.

I delivered such envelope by hand to the offices of the addressee pursuant to C.C.P. §1011.

I caused such envelope to be delivered by hand to the office of the addressee.

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(BY FACSIMILE) AND U.S. MAIL

on the party(ies) named below in this action by sending via facsimile to the telephone facsimile number shown below, a true copy thereof following ordinary business practices. After transmission of the document, the facsimile machine indicated the document as having been sent complete and without error. The transmission report was properly issued by the transmitting machine and the original transmission report is attached to the original proof of service.

(COURIER SERVICE)

by placing a true copy thereof enclosed in a sealed envelope, with delivery fees provided for, for pick up at this office and overnight delivery by Golden State Overnight courier service.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that this Declaration is executed on November 18, 2005 at San Francisco, California.

Carol M. Christensen
Carol M. Christensen